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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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04/26/2000

John F. Acres

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1655

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02/14/2008

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EXAMINER

DEODHAR, OMKAR A

ART UNIT

PAPER NUMBER

3714

MAIL DATE

DELIVERY MODE

02/14/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/558,933	Applicant(s) ACRES, JOHN F.	
	Examiner Omkar A. Deodhar	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on 16 January 2008.

2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 22-34 is/are pending in the application.

 4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 22-34 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some * c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Final Rejection

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 22-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Wynn et al. (US 5,971,271, hereafter: Wynn).

Claims 22, 27 and 31:

Wynn discloses a gaming device in which player tracking information and game images are simultaneously displayed on the same display, (Figure 19 shows a player's image displayed simultaneously with game images on the same display).

Wynn further discloses the following features:

Player tracking input device, (Figure 7 shows a card reader);

Communications interface to provide player information to a host machine, (Figure 7 shows communication via fiber optic signal between a player tracking device and a slot marketing system coupled to a customer database);

A display device, (Abstract);

Game electronics configured to provide game images and output information, (Figure 3 is one of many figures that shows various game electronics disclosed by Wynn);

Additionally, as shown in Figure 19 and discussed in Col. 8. Lines 34—55, player identification information is combined with game images.

Regarding the currently amended claim limitations:

Figure 17 discloses that prior to sending a message stream (video, audio, image, or a combination thereof) to a player at a gaming machine, the machine must not be in use. This teaches that if a player is in the middle of game play, the message will be postponed, or not sent at all, so as to not interfere with the game. If a player is in the middle of a game, then the entire game region is important and a message stream shall not be sent. Conversely, if a player is not in the middle of a game, then the entire game region is essentially unimportant, and a message stream may be sent.

Wynn discloses the usage of commercially available hardware that includes a video overlay card, (Please refer to the table of components in Col. 12.) A video overlay card is listed as one of the preferred components used in the system. A specific manufacturer and model number are disclosed. This emphasizes the video overlay card's integral role in the system. It must also be understood that individual components (video overlay card, player tracking card reader, video interface module, etc.,) comprise a larger gaming system; thus each component participates in providing the gaming experience. The video overlay card and display must be coupled with the game electronics. If they were not coupled to the game electronics, the system would not work.

Claims 23-26, 28-30 and 32-34:

Player tracking information includes player ID, (Figure 7), animated graphics, (Col. 8. Lines 34-55 discloses a concierge appearing with the game image to congratulate a player), game images include reels, (reels are inherent to slot machines), and a card reader, (Figure 7).

Response to Arguments

Applicant's arguments filed have been fully considered but they are not persuasive.

The claim amendments are addressed, as presented above. The examiner notes:

Figure 17 discloses that prior to sending a message stream (video, audio, image, or a combination thereof) to a player at a gaming machine, the machine must not be in use. This teaches that if a player is in the middle of game play, the message will be postponed, or not sent at all, so as to not interfere with the game. If a player is in the middle of a game, then the entire game region is important and a message stream shall not be sent. Conversely, if a player is not in the middle of a game, then the entire game region is essentially unimportant, and a message stream may be sent.

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a larger gaming system; thus each component participates in providing the gaming experience. The video overlay card and display must be coupled with the game electronics. If they were not coupled to the game electronics, the system would not work.

Consequently, all claim rejections are respectfully maintained.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omkar A. Deodhar whose telephone number is 571-272-1647. The examiner can normally be reached on M-F: 8AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OAD

***//Corbett B. Coburn//
Primary Examiner, Art Unit 3714***